



501.43139X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SASAKI et al

Serial No.: 10/660,720

Filed: September 12, 2003

For: Display Device And Method Of Manufacturing The Same

Art Unit: 2879

Examiner: M. Santiago

RESPONSE

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 31, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated September 30, 2005.

The requirement for restriction to one of the inventions identified as Invention I - claims 1 - 7, drawn to display device, classified in class 313, subclass 311; Invention II - claims 8 and 9, drawn to display device classified in class 313, subclass 495; and Invention III - claims 10 - 12, drawn to a fabrication method of display device, classified in class 445, subclass 24; the requirement for restriction is traversed as being improper, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

At the outset, the Examiner indicates that Invention II and I or III are related as subcombinations discloses usable together. Applicants note that Inventions I and II, while being directed to a display device, and possibly being considered subcombinations, differ from Invention III which is directed to a fabrication method,

such that the characterization of invention III as a subcombination in relation to Invention I and II is considered to be improper.

As to the Examiner's indication that Inventions I and III are related as process of making and product made, noting that the Examiner correctly sets forth the requirement for showing distinctness in accordance with MPEP §806.05(f) which are in terms of the process as claimed and the product as claimed, the Examiner contends that the product as claimed can be made by another and materially different process such as ion implantation or bombardment of boron into the electron sources. Applicants submit that claim 1 of Invention I only recites the feature that the "small electron sources contain boron" while claim 6 of Invention I recites the feature that the "small electron sources and the control electrodes contain boron". Claim 10 of Invention III merely recites "adhering boron to respective electron sources" such that the Examiner's contentions, concerning ion implantation or bombardment of boron into the electron sources does not relate to the claimed features of the process of Invention III or the product of Invention I. As such, applicants submit that the Examiner has failed to show distinctness in accordance with the requirements of MPEP §806.05(f), and the restriction requirement, as set forth, is improper and should be withdrawn.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, Invention I including claims 1 - 7.

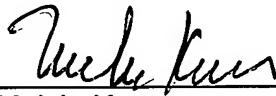
In view of the above remarks, reconsideration and withdrawal of the restriction requirement and favorable action with respect to all claims are requested.

Also, submitted herewith is an information disclosure statement and consideration of the documents submitted are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.43139X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in cursive script, appearing to read "Melvin Kraus", is written over a horizontal line.

Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600